

**Town of Bethany Beach  
Planning Commission Minutes  
October 31, 2009**

The Bethany Beach Planning Commission held a meeting on Saturday, October 31, 2009 in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Kathleen Mink; Faith Denault; Fulton Loppatto; John Gaughan and Susan Frederick, Building Inspector.

Excused member: Chuck Peterson

Also present: Patricia Titus of the Coastal Point; Mayor Tony McClenny; Councilman Jerry Dorfman; Local Builder/Developer Mark Dieste; Seville Pettit and Lindsey Shallcross, Administrative Secretaries.

The meeting was called to order at 9:00 a.m.

**OPENING OF MEETING**

***Approval of Agenda***

The approval of the agenda was inadvertently skipped over; therefore the agenda was not approved at this time.

***Discussion/Approval of the Planning Commission Minutes of August 22, 2009***

Ms. Mink made a motion to approve the minutes dated August 22, 2009. The motion was seconded by Mr. Loppatto and unanimously approved.

***Announcements/Comments/Updates***

**Non-Residential Design Review (DRC) Update (Killmer/Denault)**

There were no meetings last month so there was no report.

**Comments/Updates Regarding the October Town Council Meeting (Killmer)**

Mr. Killmer explained that the Town Council made appointments to boards, commissions and committees.

The Council members discussed the cover sheet requirements for ordinances and proposed changes to the Town Council's Protocol Manual.

The balance of the regular monthly meeting of the Town Council was in Executive Session.

## **Comments, Q&A and Discussion for Planning Commissioner Members (All)**

Ms. Mink made a suggestion to have a “Name the Park Contest” for the park located across from the Town Hall.

Mr. Killmer responded that even though this is a thought with good intent, the outcome could create issues and controversy within the public. The Planning Commission decided not to further pursue this idea.

## **PUBLIC COMMENTS/QUESTIONS FOR THE PLANNING COMMISSION**

There were no comments/questions at this time.

## **NEW BUSINESS**

***Nominate and vote for the position of chairperson and vice chairperson for the Planning Commission for the 2009/2010 term (All)***

Ms. Denault nominated Mr. Killmer as the Chairperson of the Planning Commission for the 2009/2010 Term. The nomination was unanimously approved.

Ms. Mink nominated Ms. Denault as the Vice Chairperson of the Planning Commission for the 2009/2010 Term. The nomination was unanimously approved.

***Consider the Application for a Land Partitioning filed by Mark Dieste for property identified as Lots 19 and 21, Block 115 at 121 Wellington Pkwy, in the R-1 Zoning District. (All)***

Mr. Killmer asked Ms. Frederick if the application was advertised in two local newspapers and posted at five separate locations within the Town of Bethany Beach. Ms. Frederick responded that it was. She also stated that there are no issues with any of the property owners within 200 feet of this property that were all notified by first class mail and there is no violation(s) of the Town Code regarding this application.

The applicant, Mr. Mark Dieste expressed that the partitioning was expensive and time consuming. He wanted to know exactly why an Application for a Land Partitioning was required. He has removed existing homes and divided properties in the Town in the past and has never had to apply for partitioning.

Mr. Killmer stated that it was both for his protection as well as the Town’s protection. Mr. Killmer apologized for the expense involved, but clarified that, based upon the Town’s subdivision code, it was required and that he wants all future land partitioning to be done properly by following the Town Code requirements.

Ms. Frederick stated that the land was currently considered one parcel with one tax bill. The partitioning was a matter of record keeping for the Town. She also stated that the matter is still under review by the Town’s Attorney.

Ms. Mink made a motion for the Application for a Land Partitioning of Lots 19 and 21, Block 115, at 121 Wellington Parkway in the R-1 Zoning District be approved. Mr. Loppatto seconded the motion and it was unanimously approved.

***Consider possibly updating the ordinance regulating driveways. (Loppatto)***

***Background:*** Residential parking spaces are decreasing as demand is increasing. Every new house built on vacant land or every house replacing an existing house that did not have a driveway is requesting 20 feet of driveway. Existing old cottages that had parking in the rear are now adding a 20 foot driveway in front. Especially troubling are the new driveways that are split into two 10 foot segments. During his survey (data collected is included, Mr. Loppatto discovered that homeowners were “gaming” the system with the placement of their driveways to segment the area in front of their house so that a normal size car could not fit between the driveways. Usually a parking space is 20 feet; 16 feet is the minimum length for compact cars. The survey results show that the current practices are resulting in spaces that are too small for a parking space. Approximately 10 to 12 spaces will be lost this year with the construction of new homes. This could also have an effect on metered parking spaces.

***Factors to Consider:*** How do we balance:

1. A homeowner’s right to a driveway.
2. The community’s right to parking on public streets.
3. Preventing a decrease in parking and permit revenue.

***Amendment Options:***

1. Do nothing and slowly decrease parking to virtually zero and revenue to virtually zero.
2. Eliminate driveway usage during summer months where rear parking is available.
3. Alternating houses must place driveways on opposite sides of their lot allowing for a 60 foot contiguous space where three cars can park.
4. Not allowing front driveways where an alley for rear entrance exists.
5. Not allowing split driveways.

Mr. Killmer asked Mr. Loppatto why this issue regarding his proposed changes regulating driveways is being discussed by the Planning Commission and not being reviewed by the Charter and Ordinance Review Committee.

Mr. Loppatto explained that the parking issues began with people not parking properly. He said that he did a survey and found that there is no need to change the ordinance for parking. He continued by stating that we lost approximately 10 to 12 parking spaces this year, including meter parking spaces, from new construction.

The two reasons why Mr. Loppatto felt the parking issues concerns the Planning Commission are:

1. If driveways are the issue, is there anything in the ordinance we need to change?
2. The Planning Commission is supposed to look at the future of where the Town is going.

Mr. Loppatto added that he didn't expect this trend of developments.

Mr. Gaughan expressed his appreciation to Mr. Loppatto for all of his hard work. He then asked Mr. Loppatto to explain in more detail his parking diagram of Bethany Beach. Mr. Loppatto then went over how the parking diagram was organized and the meaning and significance of the numbers on the diagram.

Mayor McClenny made a suggestion that if a house is rebuilt then it should come into compliance with Town Regulations.

Mr. Killmer and Ms. Frederick both stated that houses that are reconstructed are required to conform.

After some further discussion, Mr. Gaughan made a motion to take no action in possibly updating the current ordinance(s) regulating driveways. Ms. Denault seconded this motion and it was unanimously approved.

Ms. Mink made a motion to cancel the Planning Commission meeting on December 19, 2009 unless any new applications are received which may require a hearing. Ms. Denault seconded this motion and it was unanimously approved.

### **OLD BUSINESS**

*Planning Commission members sign the conditionally approved preliminary plans for a major subdivision filed by Mr. John Cooper, Ms. Carolyn Hockman, Mr. John and Mr. William Addy with Ms. Christine Addy for properties identified as Lots #3 and #4, Block 140 located at 67 and 69 Kent Ave, in the R-2 Zoning District. (All)*

Ms. Frederick issued the copies of the conditionally approved preliminary plans for the major subdivision to the Planning Commission members for them to sign.

### **ADJOURN**

Ms. Mink made a motion to adjourn the meeting. Ms. Denault seconded this motion and it was unanimously approved. The meeting was adjourned at 10:10 a.m.

Respectfully Submitted,

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Lindsey Shallcross  
Administrative Secretary

